



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

not made up his book by copying bodily from these authors; but he has made an entirely justifiable use of their works by giving from time to time judicious selections, with proper acknowledgment. Moreover, he has grasped the leading modern conceptions in the law of torts, and has given proof that he is himself an original thinker.

The book fulfils the statement of the Preface, that it "is brought thoroughly down to date." The more important recent cases are generally given; and although, as has been said, fulness of citation may diminish the usefulness of the work to students, yet its value to the practising lawyer is thereby materially enhanced. (See, for instance, note 3 on page 474, containing a full collection of authorities and able comments on the interesting question so recently raised in *Hanson v. Globe Newspaper Co.*, 159 Mass. 293.)

As to the topics which should be dealt with in a treatise on "Torts," there is likely to be some difference of opinion. The writer of this notice thinks that some subjects usually discussed in books on "Torts" should be left to works on "Property," while others (and this includes a large class) should be left to "The Law of Persons." But Professor Jaggard, in including such topics in the present book, is simply following the example of able predecessors.

It seldom happens that all parts of a work are of equal merit. Professor Jaggard's treatment of Conversion seems inferior to his treatment of Deceit; while the chapter on "Wrongs affecting Reputation" is superior to the discussion of Juridical Cause. But the book, taken as a whole, is a distinctly creditable performance.

J. S.

RESTRAINTS ON THE ALIENATION OF PROPERTY. By John Chipman Gray, LL.D., Royall Professor of Law in Harvard University. Second Edition. Boston: Boston Book Co. 1895. pp, xxix, 309.

The appearance of a second edition of this volume is significant of the rapid change that has taken place in the law regarding restraints on alienation. A dozen years ago, at the time of the first edition, the doctrine which it was one of the purposes of the book to discredit was still in its infancy. As yet few jurisdictions had followed the *dictum* in *Nichols v. Eaton*, 91 U. S. 716, in declaring that a man could enjoy the benefit of his property without being compelled to subject it to the payment of his debts, and the task of the writer at that time was to protest against the growth of this new doctrine, and to show by argument and authority how at variance it was with good morals and previous law. Since then decisions in favor of spendthrift trusts have been so rapidly multiplied that the weight of authority is now on the other side, and the writer almost stands (as he says in his delightful Preface) *vox clamantis in deserto*. This change in the aspect of the courts has given us this second edition, and with it not only a discussion of the more recent decisions, but also an explanation of the causes of this strange departure from the common law view of the incidents necessarily dependent upon ownership. The change is traced partly to the decision of the United States Supreme Court, but more generally to the modern reaction against the *laissez faire* doctrine, to the tendency to drift away from a society founded on contract, and to adopt a system of paternal socialism. Against this modern tendency the writer takes a strong stand in favor of the old doctrine, which, he says, "was a wholesome one, fit to produce a manly race, based on sound morality and wise philosophy."

To the layman who imagines law books to be the epitome of dust and

dryness, this little work of Professor Gray's would be a refreshing revelation. The peculiar nature of the book, combining, as it does, an argument for justice with a collection of the many authorities into one, has given an opportunity for a piece of animated writing, and a demonstration that a law book may be at once both profound and readable.

H. W.

A TREATISE ON LAND TITLES IN THE UNITED STATES. By Lewis N. Dembitz of the Louisville Bar. St. Paul, Minn.: West Publishing Co. 1895. 2 vols. pp. xvi, viii, 1655.

The present work is the result of three years' constant industry on the part of the author; and the result justifies the labor. It would, however, be more accurately styled a "Digest" than a "Treatise." So far as can be judged by a rapid examination, the author has striven to state clearly and with precision the principles for which the multitude of cases on the subject of Land Titles stand, but has with equal care kept his own individuality in the background. Rarely does he defend or attack a particular doctrine or give us a clue to his own preference. As a digest it is hard to take exception to the two volumes the author has given us; and he may well be content to let it stand as he describes it in his Preface, "his last work." We cannot but admire the painstaking thoroughness which the author displays, and which has enabled him to collect the decisions and statutes of over forty States on so comprehensive a subject, and present them in well classified arrangement.

It is essential to the helpfulness of the work that its scope be fully understood. In the first place, it is a digest of the American law only of Land Titles, and but few English cases are included. It therefore contains next to nothing of mediæval and obsolete law of real property, but deals with the law in its modern shape with little attempt to trace its development. Topics too not directly bound up with the subject of title to land are excluded. Under this head fall the law of easements and of fixtures, and the discussion of remedies by which possession of land is regained. Trusts of land is another topic dealt with only in a summary manner; and the reader is referred to other authorities for a fuller discussion. On the other hand, "Title out of the Sovereign," "The Registry Laws," "Judgments affecting Land," and "Title by Judicial Process," receive in as many different chapters a fuller treatment than is accorded them elsewhere. "Title by Prescription" is excellently treated at length.

Adverse criticism must of course be made on some points. For instance, there is no mention of the various rules for determining the division among riparian owners of land formed by accretion; under the subject of "Deeds," the old indiscriminating distinction is made between "latent" and "patent" ambiguities, and extrinsic evidence is said to be admissible to interpret the deed in the former case, but not in the latter; in the chapter on "Title by Prescription," under the head of "Tacking," the case of *Fanning v. Wilcox*, 3 Day, 258, is cited in support of the rule that "transfer of land with delivery of possession is enough to justify tacking," although it is really one of the very infrequent authorities for the doctrine that successive disseisors may tack. Such defects are however minor.

The author in an appended note (p. 1458) expresses the hope that, by the demonstration of the diversity and uncertainty of American law on